



THE COMMONWEALTH OF MASSACHUSETTS
OFFICE OF THE ATTORNEY GENERAL
ONE ASHBURTON PLACE
BOSTON, MASSACHUSETTS 02108-1698

THOMAS F. REILLY
ATTORNEY GENERAL

(617) 727-2200
www.ago.state.ma.us

April 25, 2003

Dear Municipal Clerk:

The Office of the Attorney General, the Secretary of the Commonwealth, and the Massachusetts Office on Disability have been working with local and municipal governments to ensure that people with disabilities have access to polling places during elections. Even though these efforts have been very successful, we want to remind you and other local officials that all residents of a community have the right to vote at polling places in their community. As you may know, this right is guaranteed by both state and federal laws, including the federal Rehabilitation Act of 1973, § 504, 29 U.S.C. § 794; Title II of the Americans with Disabilities Act, 42 U.S.C. § 12131 *et seq.*; the Help Americans Vote Act, 42 U.S.C. § 15301 *et seq.*; the Voting Accessibility of the Elderly and Handicapped Act, 42 U.S.C. § 1973ee; the Secretary of State's Polling Place Accessibility for Elderly and Handicapped Voters regulations, 950 C.M.R. § 51.00 *et seq.*; the Massachusetts civil rights statute, G.L. c. 93, § 103; and Article 114 of the Massachusetts Constitution.

Both the Americans with Disabilities Act Accessibility Guidelines ("ADAAG"), 28 C.F.R. Part 36, Appendix A, and the Secretary of State's regulations, 950 C.M.R. § 51.00 *et seq.*, specify the legal requirements for accessible polling places. We recommend that you consult those sources. For your convenience, we describe below several of the required features:

- if a parking lot is available on the premises of the polling place, an appropriate number of accessible parking spaces with appropriate signage (*e.g.*, one handicapped space for lots with 1-25 spaces, two handicapped spaces for lots with 26-50 spaces, three handicapped spaces for lots with 51-75 spaces, etc., *see* ADAAG 4.1.2[5] and 950 C.M.R. 51.02(a) for details); if no parking lot is available, at least one parking space in front of the polling place temporarily designated as a handicapped parking space;
- a clear, reasonably lit, unobstructed path of travel from the designated handicapped spaces in the parking lot to the accessible entrance of the building, including sidewalks equipped with curb cuts having no greater than a 1:12 slope at handicapped spaces;

- an accessible entrance, equipped with doors with at least 32 inches clearance measured at 90 degrees, a door threshold no higher than ½ inch above the floor on either side, and, if the entrance is ramped with a permanent or securely anchored portable ramp, a ramp no steeper than 1:12, at least 48 inches in width, and equipped with two pairs of handrails on both sides of the ramp, one at a height of between 34 and 38 inches and the second at a height of between 18 and 20 inches

Requiring a disabled voter to make advance arrangements to vote, vote at "curbside," or be carried up stairs are not acceptable methods for providing access to polling places. Additionally, if the accessible entrance is different from the main entrance, there must be proper signage directing voters to the accessible entrance. The accessible entrance must be unlocked and independently usable by disabled voters during the same hours as the main entrance.

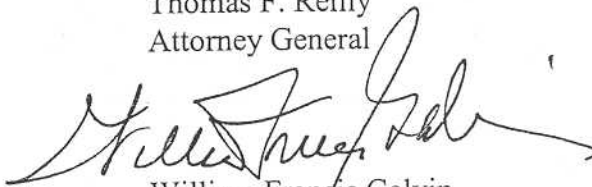
The Help America Vote Act ("HAVA") imposes a new accessibility requirement. By the November 2006 federal election, *every polling location* must be equipped with at least one direct recording electronic (DRE) voting system (a voting machine equipped with a touch screen system) or other voting system that is accessible to people with disabilities, including individuals who are blind and visually impaired.

If you have any questions about these legal requirements, or if you would like technical assistance in evaluating specific measures your town or local government should take to ensure compliance with these laws prior to your next election, you may call the Massachusetts Office on Disability at 1-800-322-2020 (617-727-7440 in Boston).

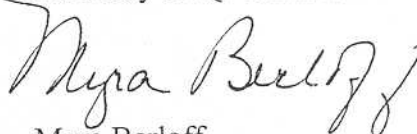
Sincerely,



Thomas F. Reilly
Attorney General



William Francis Galvin
Secretary of the Commonwealth



Myra Berloff
Acting Director
Massachusetts Office on Disability